

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Darricka Latonya Lottery,

Case No. 3:19CV1512

Plaintiff

v.

ORDER

Commissioner of Social Security,

Defendant

This matter comes before the court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg. (Doc. 22). Plaintiff has not filed objections to the Report and Recommendation. For the following reasons, the Report and Recommendation is hereby adopted.

Plaintiff challenges the final decision of defendant Andrew Saul, Commissioner of Social Security (“Commissioner”), denying her application for Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act, 42 U.S.C. § 1318 *et seq.* (“Act”). After the initial denial, Ms. Lottery requested a hearing before an administrative law judge (“ALJ”). On October 30, 2018, the ALJ issued a decision finding Ms. Lottery was not disabled. The ALJ’s decision became final on May 7, 2019, when the Appeals Counsel declined further review.

A district court’s standard of review for a magistrate’s Report and Recommendation depends on whether a party made objections to that report. According to Fed. R. Civ. P. 72(b), a district judge “must determine *de novo* any part of the magistrate judge’s disposition that has been properly rejected to.” The text of Rule 72(b) does not address reports to which a party has not filed objections. The Advisory Committee on Civil Rules, however, has commented on the review of

unopposed reports. In this regard, the advisory committee states: “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s notes (citation omitted).

The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466 (1985) that “It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.

I have carefully and thoroughly reviewed the Report and Recommendation and agree with the findings set forth herein.

Conclusion

For the foregoing reasons, it is hereby

ORDERED THAT:

The Magistrate Judge’s Report and Recommendation (Doc. 22) be, and the same hereby adopted.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge